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09 MAY 2008

In re Application of FRISKNEY et al :  
U.S. Application No.: 10/593,108 :  
PCT Application No.: PCT/GB2005/001332 :  
Int. Filing Date: 06 April 2005 : DECISION  
Priority Date Claimed: 06 April 2004 :  
Attorney Docket No.: 920476-104020 :  
For: DIFFERENTIAL FORWARDING IN :  
ADDRESS-BASED CARRIER NETWORKS :

This is in response to applicant's "Renewed Petition Under 37 C.F.R. 1.497(d)" filed 22 April 2008.

**BACKGROUND**

On 06 April 2005, applicant filed international application PCT/GB2005/001332, which claimed priority of an earlier United States application filed 06 April 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 20 October 2005. The thirty-month period for paying the basic national fee in the United States expired on 06 October 2006.

On 15 September 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 16 April 2007, applicant filed executed declarations.

On 11 May 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that the declaration filed 16 April 2007 omitted an inventor who was listed in the published international application.

On 21 May 2007, applicant filed a response to the Notification of Missing Requirements.

On 20 November 2007, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that applicant's 21 May 2007 response did not address the defect indicated in the Notification of Missing Requirements.

On 26 December 2007, applicant filed a petition under 37 CFR 1.497(d).

On 05 March 2008, this Office mailed a decision dismissing the 26 December 2007 petition.

On 12 March 2008, applicant filed a renewed petition under 37 CFR 1.497(d).

On 31 March 2008, this Office mailed a decision dismissing the 12 March 2008 petition.

On 22 April 2008, applicant filed the present renewed petition under 37 CFR 1.497(d).

### **DISCUSSION**

The petition states that Mark Gibbon should be deleted as an inventor.

37 CFR 1.497(d) states,

If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and
- (4) Any new oath or declaration required by paragraph (f) of this section.

Petitioner has previously satisfied items (1), (2), and (4) above.

With regard to item (3) above, the original petition included a statement of written consent from the assignee Nortel Networks Limited ("Nortel"). Nortel has properly established ownership of the application in accordance with 37 CFR 3.73(b)(1) by submitting copies of assignment documents. The statement of consent is signed by a person who has stated that he is authorized to act on behalf of the assignee.

**CONCLUSION**

For the reasons above, the renewed petition under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 06 April 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 16 April 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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